

Dr. Brian O'Reilly

Proponent Testimony on House Bill 406

Representatives Lanese, Hughes, Reidel, Goodman, Kent, Ginter, Young, and members of the committee, I would like to thank you for the opportunity to provide proponent testimony on HB 406, legislation to include forensic evaluation examiners and mental health evaluation providers as individuals whose residential and familial information is exempt from disclosure under the Public Records Law, and whose addresses public offices, upon request, must redact from records available to the general public on the internet.

I am a clinical and forensic psychologist who routinely provides psychological services to U.S. Military veterans and psychological assessment services to Common Pleas and Municipal courts through Certified Forensic Centers in the State of Ohio. My work provides me the opportunity to diagnose and treat veterans suffering from a range of mental illnesses and assist them in building and leading lives worth living. It also gives me the opportunity to assist the courts in making important decisions regarding the resolution of criminal court cases, including criminal responsibility, competency to stand trial, and commitment to mental health facilities. My work with the courts brings me into direct contact with individuals with extensive histories of violence and criminal behavior, whom are at elevated risk of engaging in retaliation, violence, and illegal conduct.

I recently conducted a court-ordered competency to stand trial evaluation with an individual with an extensive history of aggression, harassment, fraud, and violent offenses resulting in his prior imprisonment at The Ohio State Penitentiary super maximum-security facility. Immediately following the evaluation, he informed me that he intended to file complaints against me with my employer and the State Board of Psychology for not refusing to conduct the evaluation because he disagreed with the court order. He was previously provided his rights and offered the opportunity to decline the evaluation. After completing the evaluation, he waited for me in the parking lot for at least fifteen minutes before driving slowly behind my vehicle, in what appeared to be an attempt of intimidation and to record my license plate number. Four days later he filed unfounded/false grievances against me with my employer claiming I violated his rights and sent me a carbon copy of his email. He sent several subsequent emails to my employer in which he added me as a recipient and accessed a social media account I have used.

Due to what I considered a clear attempt to intimidate/retaliate against me for conducting the court ordered evaluation, to interfere with my objectivity, and/or to fabricate a conflict of interest that I believed the man would use to file appeals in the future or subvert the court's order, I notified the judge of my concerns. During a subsequent hearing, the judge revoked the defendant's bond and had him taken into custody. However, within days the man continued to file hand written complaints from jail that included my birth date, home address, and social security number,

information that he likely obtained from the Internet sources. Given his history of violence, aggression, and fraudulent activity, I considered his inclusion of my personal information as a direct threat to the physical safety of myself and my family and my financial security. I notified the judge of his behavior and the judge ordered the restriction of his visitors and ability to send letters.

Upon his release from jail, the man immediately continued to file false complaints against me with the State Board of Psychology and a lawsuit against my supervisor, administrators, and myself, which were ultimately dismissed. He was also adjudicated a vexatious litigator (previously filed twelve civil suits against different parties), which prohibited him from filing additional lawsuits against others without demonstrating cause to do so.

When I contacted my County Auditor and the Bureau of Motor Vehicles to request my person information be blocked from public access, I was shocked to learn law did not permit this for individuals who were not law enforcement officers, paramedics, judges, or prosecuting attorneys. With the ease of access of information via the Internet, HB 406 represents a necessary step in providing forensic evaluators and other mental health providers the same protection currently afforded to other professionals working with the same dangerous/ high-risk individuals.

I would like to thank Representative Lanes and her colleagues for her work on this important bill and the committee for the opportunity to provide proponent testimony. The committee's yes vote on this necessary legislation is greatly appreciated.